

Implementation of Federal Pesticide Containment Structures Standards Regulation in California

Date June 29, 2009

Introduction The Federal Pesticide Container and Containment Regulations consist of five regulatory standards addressing:

- Nonrefillable containers
- Refillable containers
- Repackaging pesticide products
- Container labeling, and
- Containment structures

On August 17, 2009, the Federal Pesticide Container Containment regulatory standards for “Containment Structures” will go into effect. These Federal regulations establish standards for secondary containment structures at certain bulk storage sites and for containment pads at certain pesticide dispensing operations.

Purpose of the standards The purpose of these standards is to protect the environment from leaks and spills at bulk storage areas and from contamination due to pesticide dispensing operations. For more details, go to U.S. EPA’s website at: http://www.epa.gov/pesticides/regulating/regulations_at_a_glance.htm.

Affected groups The pesticide containment structures standards regulations will affect agricultural pesticide dealers who repackage pesticides, agricultural pest control (PCO) applicators and agricultural pesticide custom blenders that store pesticides in bulk containers.

Federal containment structures standards regulations do not apply to farms.

Secondary containment structure standards Secondary containment structures standards apply when:

- A facility is a refilling establishment where the activity of repackaging pesticide product into refillable containers occurs, and
- A facility’s principal business is retail sale (i.e. more than 50% of total annual revenue comes from retail operations), and
- A facility has a stationary pesticide container (fixed or remains at a facility for at least 30 days), and
- A facility’s containers have a capacity that is equal to or greater than 500 gallons (liquid) or 4,000 pounds (dry) of pesticides.

Continued on next page

Implementation of Federal Pesticide Containment Structures Standards Regulation in California, Continued

Containment pad standards

The containment pad standards apply when any of the following occur:

- Refillable containers are emptied or cleaned.
- Pesticides are dispensed from:
 - A stationary container greater or equal to 500 gallons or 4,000 lbs for any purpose
 - Any other container to fill a refillable container for sale, or
 - Pesticides are transferred from a transport vehicle to fill a refillable container.

The containment pad standards do not apply when PCO's mix/load/apply pesticides at application sites, auxiliary mix/load sites or aircraft landing strips as long as these sites do not fall under the containment pad requirements above.

Facility owner / operator

The containment structures standards regulations will also require the facility owner/operator to:

- Follow good operation procedures,
 - Conduct monthly inspections of tanks and structures, and
 - Keep records.
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Timeline for implementation

On August 17, 2009, the Federal regulations will go into effect. DPR will draft proposed text identical to the federal regulations. Because California does not yet have state regulations in place, any inspections of containment structures at regulated facilities will be by DPR personnel with Federal FIFRA credentials. U.S. EPA has stated that from August 2009 through August 2010, violations will be noted on inspections as a compliance action only. Enforcement fine actions will begin with inspections conducted after August 2010.

The Department of Pesticide Regulation (DPR) plans to promulgate state containment structures standards regulations. When these California regulations are adopted (anticipated after July 2010) the containment structures standards will be enforced at the county level. DPR will provide statewide training for county biologists prior to conducting inspections of secondary containment structures and dispensing pads.